

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL NO. 04-10063-RCL
)	
)	
NESTOR RODRIGUEZ)	

MOTION TO CONTINUE SENTENCING

Counsel for the defendant Nestor Rodriguez respectfully moves this Court for a brief continuance of the sentencing hearing in this case. The sentencing is scheduled for September 1, 2005. Counsel requests that the hearing be continued into the week of September 12, 2005. By way of background, this is a resentencing after a remand by the United States Court of Appeals for the First Circuit based on Booker error. As grounds for this motion, counsel states that she will be on vacation out of state on September 1. Counsel had already scheduled and paid for this vacation with her family before this matter was remanded by the Court of Appeals and reset by this Court.

Wherefore, for the above-stated reason, counsel for Nestor Rodriguez requests that this motion to continue the sentencing hearing in this case be allowed.

Respectfully submitted

By his attorney,

/s/ Syrie D. Fried

Syrie D. Fried

B.B.O. # 555815

Federal Defender Office

408 Atlantic Avenue, 3rd Floor

Boston, MA 02110

Tel: 617-223-8061